

February 4, 2017

Lynn Fey
[address]
Park City, Utah

Re: PL-16-03412 - Appeal of 638 Park Avenue CUP
Hearing before City Council on [tentatively, February 23, 2017]

Dear Members of City Council,

I understand that the City is being asked to approve a Conditional Use Permit (CUP) for an indoor/outdoor commercial event center at the site of the historic Kimball Garage. To accommodate the requested rooftop outdoor event space, the developer plans to remove half of the original barrel-vaulted roof of the historic building and replace it with a 2530 square foot flat rooftop deck.

Any such approval by the City of this requested rooftop event space on the Kimball Garage would constitute inconsistent and arbitrary application of City codes and would be improper, and I strongly urge you not to make such a mistake.

I was a member of the Board of the Kimball Art Center when KAC asked the City to approve KAC's request to replace the original barrel-vaulted roof of the historic Kimball Garage building with a flat rooftop deck as part of our proposed renovation project. The KAC's proposal was flatly denied as failing to comply with the requirement that for renovation of a historic building the original roof form must be maintained. In fact, the Notice of Planning Action dated August 21, 2014, which denied the KAC's proposed renovation, expressly stated in paragraph 41:

41. The proposed renovation does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained. Because of its structural incapacities, the applicant proposed reconstructing a flat roof on the building that would also act as a rooftop deck. The rooftop deck consumed the entire rooftop space.

It couldn't be more clear — the KAC was required to maintain the original barrel-vaulted roof, and was not allowed to replace it with a rooftop deck.

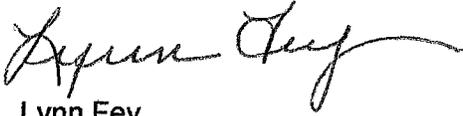
However, that is just what the City is being asked to approve for the current applicant. Any such approval would be no less than inconsistent and arbitrary application of City rules.

I am aware that the City's Historic Guideline B.1.1 requires that renovation of a historic building must "maintain the original roof form", (as was required of the KAC in 2014). I am informed that LMC 15-11-11 states that "The Design Guidelines are incorporated into this Code by reference." Further, LMC 15-1-10(D)(1) expressly requires that a CUP cannot be issued unless the application "complies with all requirements of this LMC".

Therefore, I do not see how the requested CUP for a rooftop deck outdoor event space on top of the Kimball Garage can be allowed, as such does not comply with all the requirements of the LMC.

I urge you to consistently apply our City codes and, in fairness, deny approval of the requested CUP for a rooftop deck outdoor event space at the site of the historic Kimball Garage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Fey". The signature is written in black ink and is positioned above the printed name.

Lynn Fey



PLANNING DEPARTMENT

August 21, 2014

Matt Mullin
Kimball Art Center, Inc.
638 Park Avenue
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Project Address</u>	638 Park Avenue
<u>Description</u>	Historic District Design Review - Denial
<u>Date of Action</u>	August 21, 2014
<u>Project #</u>	PL-14-02270
<u>Project Representative</u>	Steve Brown
<u>Project Architect</u>	Elliott Workgroup – Craig Elliott
<u>Design Architect</u>	BIG – Bjarke Ingels Group

Summary of Staff Action – Denial

This letter serves as the final action letter denying the proposed rehabilitation of 638 Park Avenue pursuant to the Historic District Design Guidelines subject to the following Findings of Fact and Conclusions of Law. Staff reviewed this project in accordance with the Historic District Design Guidelines, specifically with Specific Guidelines A. Site Design, B. Primary Structures, and D. Additions to Historic Structures. The applicant proposed to rehabilitate the historic landmark structure and construct a new addition.

Findings of Fact

1. The property is located at 638 Park Avenue.
2. It is identified by Summit County as Tax Parcel PC-107-108-X.
3. The Historic District Design Review Application was submitted on March 3, 2014; it was deemed complete on March 14, 2014. A public hearing was held on March 31, 2014.
4. The first property and courtesy mailing notices were mailed out on March 14, 2014.
5. During staff's review of the project, staff uncovered discrepancies between the Physical Conditions Report and Historic Preservation Plan. An updated Historic Preservation Plan was submitted to the Planning Department on May 16, 2014.

6. Throughout the process, staff was in discussion with the application regarding the application's issues of non-compliance with the Design Guidelines. The applicant requested staff on August 6, 2014, for a determination based on the original submittal.
7. The property is located in the Heber Avenue Subzone of the Historic Recreation Commercial (HRC) District.
8. The allowed uses within the Heber Avenue Subzone are identical to the allowed uses of the Historic Commercial Business (HCB) District. Entertainment Facility, Indoor is an allowed use within this zone.
9. The site is a developed parcel with a historic structure, identified on the City's Historic Sites Inventory (HSI) as a "Landmark" site.
10. The historic building is approximately 22,883 square feet in size. The proposed addition is approximately 15,092 square feet.
11. The landmark structure was constructed in 1929 to replace the Kimball Brothers Livery Stable. It was rehabilitated in 1976 to house the Kimball Arts Center. The building was listed as part of the Park City Main Street National Register Historic District in 1979.
12. The structure was renovated in 1976 with minor changes that did not affect the site's original design character.
13. The total lot size is 18,526 square feet.
14. The required front yard setbacks along Heber and Park Avenues are ten feet (10'). On a corner lot, the side yard that faces a street is ten feet (10') for the main structure.
15. The minimum rear yard setback along Main Street is ten feet (10').
16. The minimum side yard setback along the north property line is five feet (5').
17. Per Land Management Code (LMC) 15-2.5-5, no structure shall be erected to a height greater than thirty-two feet (32') from existing grade. Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions are granted by the Planning Director. As proposed the southeast corner of the structure rises gradually to form a point that is roughly 46 feet in height. No habitable space is located in this section of the building. This architectural feature was not reviewed for a height exception by the Planning Director because the design of the addition did not meet the Design Guidelines as outlined below.
18. The proposed renovation complies with Universal Guideline #1 as the site will be used as it was historically and will require minimal changes to the distinctive materials and features. In 1976, the Kimball Brothers Garage underwent extensive interior alterations in order to accommodate its new use as an art center. The applicant intends to repair and maintain the existing structure and its steel window frames.
19. The proposed renovation complies with Universal Guideline #2 as changes to the site or building that have acquired historic significance in their own right shall be retained and preserved. Rather, the applicant proposed to remove additions made in 1976 for the conversion of the art center as well as other c. 1976 exterior additions added at later dates; these include the corrugated metal and CMU

structures such as the kiln room and stair and elevator rooms attached to the east side of the building. These additions are not historic.

20. The proposed renovation complies with Universal Guideline #3 as the applicant does not propose to remove any historic exterior features of the building. Those features that are so deteriorated that they required replacement—such as the steel frame windows on the north elevation—were proposed to be replaced in-kind.
21. The proposed renovation complies with Universal Guideline #4 as distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. As no historic exterior finishes had been lost, there was no need to reproduce missing historic elements.
22. The proposed renovation complies with Universal Guideline #5 as deteriorated or damaged historic features and elements will be repaired rather than replaced. The only historic features requiring repair are the historic steel-frame windows on the south elevation. The applicant proposed to repair and preserve these windows; those that could not be repaired due to the severity of deterioration would be replaced in-kind. Other non-historic windows on the south elevation were to be replaced in-kind.
23. The proposed renovation complies with Universal Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines such as the c.1976 additions on the northeast corner of the structure were intended to be removed. These additions housed the elevator, stairs, and fire kiln. No other incompatible features are known to exist.
24. The proposed renovation complies with Universal Guideline #7 as the owner did not propose to introduce any architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exist.
25. Compliance with Universal Guideline #8 is incomplete as the Preservation Plan did not specify whether or not chemical or physical treatments would be undertaken using recognized preservation methods to ensure that these treatments did not damage or alter the appearance of historic materials.
26. The proposed renovation does not comply with Universal Guideline #9 as the new addition will destroy a significant percentage of historic materials along the east wall of the building as approximately 76 linear feet of the east wall would be enclosed by the new addition.
27. The proposed renovation complies with Specific Guideline A.1.1 as it maintains the existing front and side yard setbacks of Historic Sites. The applicant does not intend to change the front and side yard setbacks of the historic site along the north, west, and south elevations. The addition was proposed to be added to the east elevation.
28. The proposed renovation complies with Specific Guideline A.1.2 as the main entry, as it exists today, will be retained and will provide access to a reception area for employees and office spaces. A new entrance on the corner of Main Street and Heber is proposed for the museum exhibition space.

29. The proposal complies with Specific Guideline A.1.3 as the original path or steps leading to the main entry will be maintained. The applicant does not intend to change the steps or ramps at the southwest corner of the historic building.
30. Specific Guidelines A.2.1 and A.2.2 are not applicable as there are no historic stone retaining walls to maintain.
31. Specific Guidelines A.3.1, A.3.2, and A.3.3 are not applicable as there are no historic fences and handrails to maintain.
32. Specific Guideline A.4.1 is not applicable as there are no historic hillside steps that may be an integral part of the landscape to maintain.
33. The proposed renovation complies with Specific Guideline A.5.1 as landscape features that contribute to the character of the site will be preserved. The applicant does not propose to change any landscape features of the site. Rather, additional landscaping will be added along the north elevation of the structure. Minimal landscaping existed here historically.
34. The proposed renovation complies with Specific Guideline A.5.2 as landscape treatments for walkways, paths, and the building were incorporated in a comprehensive, complementary, and integrated design. The applicant intends to preserve the urban characteristics of the site that relate to the historic district and commercial core as a whole. Additional landscaping is proposed along the rear of the structure on the north elevation.
35. The proposed renovation complies with Specific Guideline A.5.3 as the historic character of the site shall not be significantly altered by substantially changing the proportion of built or paved area to open space. As proposed, the new addition would replace an existing terrace and parking area. The new addition would provide additional density to the historic commercial district and fill a gap that exists in the current urban fabric of this neighborhood.
36. The proposed renovation complies with Specific Guideline A.5.4 as the proposed landscape plans balance water efficient irrigation methods and drought tolerant and native plant materials with existing plant materials and site features that contribute to the significance of the site. Additional plantings were proposed for the existing planting bed along the north elevation.
37. Specific Guideline A.5.5 is not applicable as there is no driveway proposed for this site that would require snow storage.
38. The proposed renovation complies with Specific Guideline A.5.6 as the applicant provided a detailed landscape plan that respects the manner and materials used traditionally in the districts. Due to its location in the commercial core, there is very little room for landscaping on this site. The applicant however, did expand an existing planting area on the north elevation and planned to plant additional shrubs along this elevation.
39. The proposed renovation complies with Specific Guideline A.5.7 as landscaped separations are proposed between parking areas, drives, service areas, and public use areas including walkways, plazas, and vehicular access points. The planter along the north elevation will help separate the driveway and parking area to the east of the adjacent historic structure along Park Avenue.
40. The proposed renovation complies with Specific Guideline A.5.8 as the original grading of the site will be maintained when and where feasible.

41. The proposed renovation does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained. Because of its structural incapacities, the applicant proposed reconstructing a flat roof on the building that would also act as a rooftop deck. The rooftop deck consumed the entire rooftop space.
42. Specific Guideline B.1.2 is not applicable as new roof features, such as photovoltaic panels (solar panels) and/or skylights were not proposed.
43. Compliance with Specific Guideline B.1.3 is incomplete as the applicant did not specify if gutters and downspouts would be installed during the renovation.
44. Compliance with Specific Guideline B.1.4 is incomplete as the applicant did not indicate if the proposed roof colors would be neutral and muted and materials would not be reflective.
45. The proposed complies with Specific Guideline B.2.1 in that primary and secondary façade components, such as window/door configuration, wall planes, recesses, bays, balconies, steps, porches, and entryways will be maintained in their original location on the façade. Rather, the historic structure will remain largely as-is from the exterior, though repairs and restoration will occur. The only elevation impacted by the new addition is the east side of the historic structure.
46. The proposed renovation complies with Specific Guideline B.2.2 as the applicant intended to preserve damaged and deteriorated façade materials by repointing the historic brick and restoring the historic steel-frame windows on the north elevation.
47. Compliance with Specific Guideline B.2.3 is incomplete as the Preservation Plan does not identify that the disassembly of historic elements—window, molding, bracket, etc.—is necessary for its restoration, recognized preservation procedures and methods for removal, documentation, repair, and reassembly should be used. The preservation methods to be used on the restoration of the historic steel-frame windows on the north elevation were not specifically outlined.
48. The proposed renovation complies with Specific Guideline B.2.4 as the Preservation Plan specifies that if historic exterior materials cannot be repaired, they will be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The applicant has indicated that any historic windows on the north elevation that cannot be restored will be replaced in-kind.
49. Specific Guideline B.2.5 is not applicable as substitute materials such as fiber cement or plastic-wood composite siding, shingles, and trim boards have not been proposed.
50. Specific Guideline B.2.6 is not applicable as substitute materials have not been proposed on a primary or secondary façade (as stated in B.2.4 and B.2.5).
51. The proposed renovation complies with Specific Guideline B.2.7 as no interior changes that affect the exterior appearance of facades, including changing original floor levels, changing upper story windows to doors or doors to windows, and changing porch roofs to balconies or decks are proposed.
52. Specific Guideline B.3.1 is not applicable as no new proposed foundation will raise or lower the structure generally more than two feet (2') from its original floor elevation. The only proposed foundation work is in the southwest corner of the

- building where excavation will occur beneath the structure to create additional basement space.
53. Specific Guideline B.3.2 is not applicable as the original placement, orientation, and grade of the historic building is not proposed to change.
 54. Specific Guideline B.3.3 is not applicable as no new foundation is proposed beneath the historic structure, and the original grading will be retained.
 55. Specific Guideline B.4.1 is not applicable as there are no historic door openings, doors, and door surrounds.
 56. Specific Guideline B.4.2 is not applicable as there are no historic doors that will need to be replaced. Any replacement doors will be compatible to the historic structure.
 57. Specific Guideline B.4.3 is not applicable as there is no intent to add storm doors and/or screen doors on primary or secondary facades.
 58. The proposed renovation complies with Specific Guideline B.5.1 as historic window openings, windows, and window surrounds will be maintained. Historic window openings and historic steel-frame windows on the north elevation will be maintained. Those historic windows that cannot be made safe and serviceable through repair will be replaced in-kind.
 59. The proposed renovation complies with Specific Guideline B.5.2 as replacement windows will only be installed if the historic windows cannot be made safe and serviceable through repair. Replacement windows should exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material. Historic steel-frame windows on the north elevation will be restored, except for those windows that cannot be made safe and serviceable through repair.
 60. Specific Guideline B.5.3 is not applicable as the applicant does not propose to install any storm windows.
 61. The proposed renovation complies with Specific Guideline B.6.1 as mechanical equipment and utilities, including heating and air conditioning units, meters, and exposed pipes, will be located on the rear façade or another inconspicuous location (except as noted in B.1.2) or incorporated into the appearance as an element of the design. Any new rooftop mechanical equipment would be installed on the northeast corner of the existing structure and screened from view.
 62. The proposed renovation complies with Specific Guideline B.6.2 as ground-level equipment should be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials. The applicant intends to install new mechanical equipment on the northeast corner of the roof of the historic structure.
 63. The proposed renovation complies with Specific Guideline B.6.3 as the plan avoids removing or obstructing historic building elements when installing systems and equipment. The rooftop location of new mechanical equipment would not remove or obstruct historic building elements.
 64. Specific Guideline B.6.4 is not applicable as contemporary communication equipment such as satellite dishes or antennae have not been proposed.
 65. The proposed renovation complies with Specific Guideline B.7.1 as original materials such as brick and stone that are traditionally left unpainted will not be

66. painted. The applicant did not propose to paint any original masonry materials traditionally left unpainted. Existing painted concrete surfaces will be repainted. Specific Guideline B.7.2 is not applicable as there are no wood surfaces on the historic building that will be painted.
67. Compliance with Specific Guideline B.7.3 is incomplete as the applicant did not specify if low-VOC paints would be used.
68. Specific Design Guideline C.1 Off-street parking is not applicable as the applicant does not intend to provide off-street parking.
69. Specific Design Guideline C.2 is not applicable as the applicant is not proposing to construct any driveways.
70. Specific Design Guideline C.3 is not applicable as the applicant is not proposing any detached garages.
71. The proposed addition complies with Specific Design Guideline D.1.1 as the applicant has demonstrated that the existing structure cannot accommodate the growing needs of the Kimball Art Center and an addition to the historic building is necessary.
72. The proposed addition does not comply with Specific Design Guideline D.1.2 as the addition is not visually subordinate to the historic building when viewed from the primary public right-of-way along Heber Avenue. The height of 46 feet at the corner of Heber Avenue and Main Street as well as the scale of the proposed new addition overpowers the historic structure and blocks the view of the historic structure from the intersection of Heber Avenue and Main Street. Further, the heavy massing of the new addition detracts from the historic structure.
73. The proposed addition does not comply with Specific Design Guideline D.1.3 as the addition obscures and contributes significantly to the loss of historic materials. The new addition consumes nearly the entire length of the east elevation of the existing structure. The transitional element is setback two feet (2') from the plane of the north and south walls. The east wall is roughly eighty feet (80') in length; however, four feet (4') of the eighty (80) will remain visible on the exterior.
74. The proposed addition does not comply with Specific Design Guideline D.1.4 where the new addition abuts the historic building, a clear transitional element between the old and the new has not been designed. The proposed transitional element is 2'6" in width. The transitional element should provide greater visual connection between the historic structure and the new addition.
75. The proposed renovation complies with Specific Design Guideline D.1.5 as the applicant intends to remove additions that were constructed c.1976 and have not achieved historic significance in their own right.
76. The proposed renovation does not comply with Specific Guideline D.2.1 as the Addition does not complement the visual and physical qualities of the historic building. There is no reflection of the historic building's materials, rhythm, patterning, or solid-to-void ratio that would tie the new addition to the old building.
77. The proposed addition does not comply with Specific Guideline D.2.2 as the building components and materials used on addition are not similar in scale and size to those found on the original building.

78. The proposed addition does not comply with Specific Guideline D.2.3 as the window shapes, patterns and proportions found on the historic building are not reflected in the new addition.
79. The proposed addition does not comply with Specific Guideline D.2.4 as the large addition is not significantly visually separated from the historic building when viewed from the public right of way.
80. Specific Guideline D.3. Scenario 1: Residential Historic Sites is not applicable.
81. Specific Guideline D.4. Scenario 2: Residential Historic Sites is not applicable. Specific Guideline E. Relocation and/or Reorientation of Intact Buildings is not applicable..
82. Specific Guideline F. Disassembly/Reassembly of All or Part of a Historic Structure is not applicable.
83. Specific Guideline G. Reconstruction of an Existing Historic Structure is not applicable.
84. Specific Guideline H. Accessory Structure is not applicable.
85. Specific Guideline I. Signs is not applicable as no signage has been proposed as part of this application. Any new signs would require a sign permit.
86. Specific Guideline J. Exterior Lighting is not applicable as no exterior lighting has been proposed as part of this application.
87. Specific Guideline K. Awnings is not applicable as no awnings have been proposed as part of this application.
88. The proposed renovation complies with Specific Guideline L.1 as the owner will maintain a substantial percentage of interior floors, walls, and non-structural elements. The Kimball Art Center was remodeled in 1976 and the majority of the interior walls are from this prior remodel. With the exception of the east exterior wall, the applicant did not intend to remove a substantial percentage of original interior walls.
89. Specific Guideline L.2 is not applicable.
90. The proposed renovation complies with Specific Guideline L.3 as it retains the inherent energy-conserving features of historic buildings and its site, including shade trees, porches, operable windows, and transoms. Any historic operable windows that could not be made safe and serviceable through repair would be replaced in-kind.
91. The proposed renovation complies with Specific Guideline L.4 as it increases the thermal efficiency of historic buildings by observing traditional practices such as weather-stripping and insulating. The applicant intends to improve the thermal efficiency of the historic structure by replacing non-historic windows with new thermal-pane windows.
92. Specific Guideline L.5 is not applicable as the owners are not proposing to use sources of renewable energy—on- or offsite.
93. The proposed renovation complies with Specific Guideline M.1 as the visual impact of exterior treatments associated with seismic upgrades will be minimized. The applicant did not intend for seismic upgrades to affect the exterior of the structure. The Preservation Plan notes that exterior tie-rod anchor plates will be inspected and repaired where necessary.

94. The proposed renovation complies with Specific Guideline N.1 as barrier-free access will be provided that promotes independence for the disabled to the highest degree practicable, while preserving the character-defining features of historic buildings. There is an existing ADA entrance to the structure on the southwest corner of the main entrance that will remain.
95. The proposed renovation complies with Specific Guideline N.2 in that the appearance of accessibility ramps or elevators will not significantly detract from the historic character of the building. The existing ADA entrance meets the grade of the sidewalk at this location and does not significantly detract from the historic character of the building.
96. Specific Guideline N.3 is not applicable as there are no existing historic doors.
97. Specific Guideline MSHS1 does not comply as the proposed addition will cause the building to be removed from the National Register of Historic Places, and it will be listed as a non-contributing building within the Main Street National Historic District. The new addition does not contribute to the historic character of the district. It does not reflect the materials, composition, rhythm, patterning, or proportions of the historic district nor the historic Kimball Garage.
98. The proposed addition does not comply with Specific Guideline MSHS2 in that the alignment and setback along Main Street are character-defining features of the district. Within the Main Street commercial district, the historic rhythm and pattern of building heights and widths has been maintained. The proposed addition alters this pattern and does not relate to the existing module of historic buildings along the street. The proposed addition complies with Specific Guideline MSHS3 in that the orientation of the primary entrance is located on the corner, consistent with other non-historic structures on the south side of the Heber Avenue-Main Street intersection and maintains the original historic corner entrance as well along Heber and Park Avenue
99. Specific Guideline MSHS4 is not applicable as street furniture, planters and other elements proposed for the building-sidewalk interface have not been proposed as part of this application.
100. Specific Guideline MSHS5 is not applicable as no exterior lighting elements have been proposed as part of this application.
101. The proposed renovation does not comply with Specific Guideline MSHS6 as the proposed rooftop deck addition is not set back from the primary façade. The plans show that the rooftop deck will consume the entire roof structure of the historic structure. It is not evident how visible the rooftop deck or its railings would be from the primary facades.
102. Specific Guideline MSHS7 is not applicable as this property does not front Swede Alley.
103. The plans subject to review are dated March 10, 2014.

Conclusion of Law

1. The proposal does not comply with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites.

The owner, applicant, or any person with standing as defined in Section 15-1-18(D) of the Land Management Code (LMC) may appeal any Planning Department decision made on a Historic District Design Review Application to the Historic Preservation Board. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his/her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

If you have any questions, please do not hesitate to contact me. I can be reached at (435) 615-5067, or via e-mail at anya.grahn@parkcity.org.

Sincerely,



Anya E. Grahn
Historic Preservation Planner



Thomas E. Eddington Jr., AICP, PLA
Planning Director